

REMARKS

Reconsideration and allowance are respectfully requested in view of the Remarks below.

The status of the claims are as follows: Claims 1 - 22 were presented for prosecution.

Claims 9 and 19 were previously canceled. Claims 1 - 8, 10 - 18, and 20 - 22 presently remain pending for consideration.

Claims 1-2, 4-8, 10-12, 14-18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable by Kelbrick et al. in view of Rangwala et al. The Examiner contends that Kelbrick et al. in combination with Rangwala et al. discloses the claimed invention.

The Applicants traverse the 103(a) rejection with the following arguments. Kelbrick et al., whether alone or in combination with Rangwala et al., fails to teach or suggest, *inter alia*, “a probe for applying the atomized sterilant into an **interior** of a container; a mechanism for **extending and retracting** the probe **into the interior** of the container”(Claim 1). Further, the combination of Kelbrick et al. with Rangwala et al. does not teach or suggest “providing a probe for applying the atomized sterilant **into an interior** of a container; **extending** the probe **into the interior** of the container” (Claim 11). Finally, the combination of Kelbrick et al. with Rangwala et al. does not teach or suggest “means for applying the atomized sterilant to an **interior of a container** by extending a probe **into the interior** of the container” (Claim 21). It is these features with the present invention, *inter alia*, that allow the invention to adequately sterilize containers such as bottles (*see* Claims 3 and 13) and other containers with narrow openings and similar configurations that are difficult to sanitize. On the contrary, Rangwala et al. discloses, a nebulizing nozzle 26 that sprays sterilant yet never extends towards, nor *into* the interior of the container. The nebulizing nozzle “remains aimed at the variable opening” (Col. 3, line 24) of the opening paperboard container blank 40. As FIG. 5 in particular clearly shows, the nozzle 26, although following the movement of the container 40 as it opens, never moves, extends, or retracts *into*

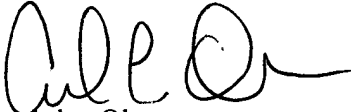
the interior of the container. It is further made clear in FIGS. 6A, 6B, and 6C that the nozzle 26 never moves out of the "X-Y" plane of the drawing sheet. Secondly, by combining Rangwala et al. with Kelbrick et al. would render the invention inoperable. There is simply no way the conveyor-type sterilization system of Kelbrick et al. would still work by combining the "wagon-wheel" type mandrel sterilization apparatus of Rangwala et al. This combination is improper hindsight. Thus, independent Claims 1, 11 and 21 are not obvious in light of the cited combination of Kelbrick et al. and Rangwala et al. and the rejection under 103(a) should be withdrawn..

Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelbrick et al in view of Rangwala, and further view of Muys et al. The citation of Muys et al. does not overcome the glaring deficiencies in Kelbrick et al. and Rangwala et al.

In light of the foregoing amendments and arguments, Applicants submit that dependent claims 2 - 10, are allowable as being dependent upon independent claim 1. Further, Applicants submit that dependent claims 12 - 20, are allowable as being dependent upon independent claim 11. Finally, Applicants submit that dependent claim 22 is allowable as being dependent upon independent claim 21.

In summary, based on the aforementioned arguments, none of the references cited by the Examiner nor any other known prior art, either alone or in combination, disclose the unique combination of features disclosed in Applicants' claims presently on file. Thus, Applicants respectfully submits that the entire application is in condition for allowance. However, should the Examiner believe anything further is necessary in order to place the application in better condition for allowance, or if the Examiner believes that a telephone interview would be advantageous to resolve the issues presented, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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